

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.

8
9 Transcript of excerpted testimony of
10 JULIAN ROMERO
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1 THE COURT: All right. Does the
2 Government have its next witness or evidence?

3 MR. BECK: Yes, Your Honor. The United
4 States calls Julian Romero.

5 THE COURT: Mr. Romero, if you'll come up
6 and stand next to the witness box on my right, your
7 left, before you're seated my courtroom deputy, Ms.
8 Standridge, will swear you in.

9 JULIAN R. ROMERO,
10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please be seated. State and
13 spell your name for the record.

14 THE WITNESS: Julian R. Romero,
15 J-U-L-I-A-N, Romero, R-O-M-E-R-O.

16 THE COURT: Mr. Romero. Mr. Beck.

17 EXAMINATION

18 BY MR. BECK:

19 Q. Good morning, Mr. Romero.

20 A. Good morning.

21 Q. Are you now or have you been a member of
22 the Sindicato de Nuevo Mexico?

23 A. Yes.

24 Q. Who brought you in? And just get a little
25 closer to the microphone, please. Who brought you

1 into the SNM prison gang?

2 A. Juan Baca.

3 Q. And was that in 1981?

4 A. It was '81, '82. I can't really recall
5 too much of that, but around '81, '82.

6 Q. And how did you know Juan Baca before that
7 time?

8 A. He was an old-timer from my barrio,
9 Barelbas, in Albuquerque, and I just met him there at
10 the county jail. I didn't know him before that.

11 Q. When you say "barrio," does that mean your
12 street gang?

13 A. It means the place I was raised.

14 Q. Were you a member of the Barelbas Street
15 Gang before you became an SNM member?

16 A. Yes, I was.

17 Q. How did Mr. Baca tell you to join the SNM?

18 A. Well, it happened -- I guess he had seen
19 me running around the pod and stuff, and he seen how
20 I got along with all the rest of the inmates and
21 that stuff. And to me, I think he seen me as a
22 person that had, you know, a little charisma, maybe,
23 talked to the other guys and got along with
24 everybody. And he called me to his cell and he
25 introduced himself, I introduced myself, and we did

1 a little bit of heroin. And this was after the
2 penitentiary riot, and he told me he wanted to start
3 a gang in New Mexico, at the Santa Fe prison.

4 Q. And what did he tell you about starting
5 that gang at the Santa Fe prison?

6 A. Well, he gave me some of the bylaws. He
7 gave me, like, it would take somebody that had been
8 in the penitentiary, like, three years, didn't have
9 any prior, being an informant, the cream of the
10 crop, you know, of the people, of the inmates that
11 were there.

12 Q. And what do you mean by "cream of the
13 crop"?

14 A. Well, the -- more or less the good guys,
15 you know, the guys that had potential to be leaders
16 and, you know, to get things together, you know.

17 Q. You mean some of the strongest prisoners
18 at the Penitentiary of New Mexico?

19 MS. DUNCAN: Your Honor, I'm going to
20 object.

21 THE COURT: What's the objection?

22 MS. DUNCAN: Leading.

23 THE COURT: Overruled.

24 BY MR. BECK:

25 Q. I said, did you mean some of the strongest

1 prisoners at the Penitentiary of New Mexico?

2 A. Some of the smartest, maybe.

3 Q. And what did you -- and so you met Mr.
4 Baca at the county jail. What happened after the
5 county jail?

6 A. Well, after the county jail -- well,
7 during the county jail, he gave me the bylaws, and
8 he told me get together with a few people from Santa
9 Fe. It was going to take a little bit of violence
10 because we had to get rid of another gang that had
11 been -- prior to this, there was Nuestra Familia.
12 They were called the Nuestra Familia, and there was
13 a few stragglers there. And he said that it was
14 going to take a little bit of violence, so get
15 together with a few guys that he named. And so I
16 went up there and --

17 Q. Hold on one second. Did he know that you
18 were being sent from the county jail to the
19 Penitentiary of New Mexico very soon?

20 A. Yes. I had got eight years.

21 Q. And what happened, then, after this
22 conversation with Mr. Baca about taking out the
23 Nuestra Familia with violence? What happened when
24 you got up to the Penitentiary of New Mexico?

25 A. I met with the people that he told me to

1 meet with.

2 Q. And who were those people?

3 A. One was Henry Clark, Tomas Clark, Tomas
4 Campos. I think he's deceased. Steve Baca, Pollo;
5 he's deceased. And Animal, Steve Martinez; he's
6 deceased.

7 And he told me to get together with these
8 guys and to start -- to give them the bylaws that he
9 ran down to me about trying to get some people
10 together, the smartest ones, maybe a little bit
11 strong, too, you know. And he told me it was going
12 to take a little bit of violence because we had to
13 get rid of the Nuestra Familia. So I got together
14 with those people up there, and I ran it down to
15 them, and they all agreed to it, and that's how the
16 SNM formed.

17 Q. So after this conversation with Mr. Baca,
18 when you go up to the Penitentiary of New Mexico and
19 get together with these other seven inmates that you
20 named, was that the beginning, including you, of the
21 first eight SNM members?

22 A. That was the beginning.

23 Q. And approximately what time period was
24 this? What year?

25 A. This was in '82.

1 Q. Now, Mr. Romero, I'm going to show you a
2 couple photos here. Give me one second.

3 MR. BECK: Your Honor, may I approach the
4 witness with what's been previously marked for
5 identification purposes as Government's Exhibits
6 494, 670, 671, and 672?

7 THE COURT: You may.

8 MR. BECK: Your Honor, the United States
9 moves for the admission of Government's Exhibits
10 494, 670, 671, and 672.

11 THE COURT: Any objection?

12 MS. DUNCAN: No, Your Honor.

13 THE COURT: Not hearing any objection,
14 Government's Exhibits 494, 670, 671, and 672 will be
15 admitted into evidence.

16 (Government Exhibits 494, 670, 671, 672
17 admitted.)

18 MR. BECK: Your Honor, may I publish to
19 the jury beginning with Government's Exhibit 670?

20 THE COURT: You may.

21 BY MR. BECK:

22 Q. Mr. Romero, what's depicted in the
23 photograph in front of you on the screen?

24 A. My mug shot.

25 Q. And in what year was that mug shot taken?

1 A. It doesn't say there, but I figure it was
2 around '82, '81, around there.

3 Q. I'm going to circle the bottom right on
4 that.

5 A. 1980, yeah.

6 MS. DUNCAN: I'm so sorry to interrupt,
7 but our screen has just gone down.

8 THE COURT: What has gone down?

9 MS. DUNCAN: Our monitor has gone down.
10 Thank you.

11 BY MR. BECK:

12 Q. Mr. Romero, I'm now going to show you
13 what's been admitted as Government's Exhibit 671.
14 What is that a photograph of?

15 A. That's also me.

16 Q. What year was this mug shot taken of you?

17 A. 1990. 1990.

18 Q. And I'm going to show you Government's
19 Exhibit 672. What is this a photograph of?

20 A. That's me.

21 Q. And in what year was this photograph
22 taken?

23 A. I don't know, but I think it was about
24 1990, around there. I can't read the sign right
25 there.

1 Q. Does it say 2010 on the bottom right of
2 that?

3 A. Yes, 2010. That's it, about.

4 Q. Were you incarcerated in the New Mexico
5 Department of Corrections in 2010?

6 A. In 2010, yes, I was.

7 Q. And I'm going to show you what's been
8 admitted as Government's Exhibit 494. What is this
9 a photograph of?

10 A. It a photograph of me with the other
11 members of the SNM.

12 Q. All right. And where are you in that
13 photograph?

14 A. I'm the one in the middle, sitting down.

15 Q. I just circled the person sitting down.
16 Is that you?

17 A. Yes, that's me.

18 Q. Was this photograph taken inside a prison
19 facility?

20 A. Yes, it was. Excuse me. Could you go
21 back to that?

22 Q. Sure.

23 MR. BECK: Can you put it back up?

24 A. That isn't in New Mexico, I don't think.

25 Q. That is not in New Mexico?

1 A. No.

2 Q. Were you incarcerated outside of New
3 Mexico?

4 A. Yes, I was. I was in Oregon State Prison
5 for a while.

6 Q. Is that where that is?

7 A. I can't recall where that was at. It just
8 doesn't look like New Mexico to me, and the
9 clothes -- we never wore clothes like that in New
10 Mexico.

11 Q. Okay. But this is a photograph of you
12 inside of a prison?

13 A. That is me, yeah.

14 Q. Thank you, Mr. Romero. When was the first
15 time you went to prison?

16 A. 1977. August of 1977.

17 Q. And how old were you in August of 1977?

18 A. I was 18 years old.

19 Q. And where were you on your 21st birthday?

20 A. I was in prison at Santa Fe, New Mexico.

21 Q. And what happened at that time?

22 A. Well, at that time was the worst prison
23 riot in the history of New Mexico. It was a
24 gruesome riot.

25 Q. And were you incarcerated at the

1 Penitentiary of New Mexico, what some people refer
2 to as the Old Main, during that prison riot?

3 A. Yes, I was.

4 Q. To your knowledge -- you were one of the
5 founding members of the SNM; is that right?

6 A. Yes.

7 Q. Was the SNM around at the time of the
8 prison riot?

9 A. At that time, no, it wasn't.

10 Q. Did it come to be formed after the prison
11 riot?

12 A. It was formed after the prison riot.

13 Q. I want to talk to you about some of the
14 crimes that you've committed in relation to the SNM.
15 Did you at some point assault someone named Gilbert
16 Saavedra?

17 A. Yes, I did.

18 Q. Was that around 1982?

19 A. Yes, it was.

20 Q. What happened?

21 A. He was part of the Nuestra Familia, and he
22 was one that had to be taken out, taken out of the
23 population.

24 Q. What is the Nuestra Familia?

25 A. That's a gang in Northern California,

1 Fresno, all that.

2 Q. Were there Nuestra Familia members
3 incarcerated within the New Mexico Department of
4 Corrections?

5 A. Yes, but that was way before I got there.
6 They got that formed by a guy named -- I guess his
7 name -- I don't guess. I know his name was Richard
8 Valdez. And he started recruiting some people.

9 And could I have a glass of water, please?

10 Q. Sure, right in front of you.

11 And why did you, as an SNM member, target
12 Gilbert Saavedra, who is a Nuestra Familia member?

13 A. It was an order from Juan Baca.

14 Q. Is that the same Juan Baca who sent you up
15 to the Penitentiary of New Mexico to form the SNM
16 Prison Gang?

17 A. Yes.

18 Q. Approximately two years later, in 1984,
19 did you again do an assault for the SNM?

20 A. Yes, I did.

21 Q. Tell us about that.

22 A. His name was Steve Baca. And it came out
23 through the word and everything that he is an
24 ex-Nuestra Familia. And he jumped the fence and
25 came over to the SNM. And that's not something that

1 you're supposed to do. You're not supposed to jump
2 from one gang to another. And so Juan Baca sent the
3 word out there that he had to get hit. And he sent
4 the word to somebody else, but the guy that he sent
5 the word to just didn't want to do it. And so me
6 and a guy named Sam Guevera took it upon ourselves
7 to do it.

8 Q. And what did you do to Mr. Baca?

9 A. We walked into the cell and we stabbed
10 him.

11 Q. And why was the SNM targeting Nuestra
12 Familia gang members?

13 A. Well, Juan Baca, when he went -- after the
14 riot, he went to California. I forget the name of
15 the -- Soledad or something like that. It was in
16 California. And while he was up there, he ran into
17 a couple of people that were with the Los Carnales,
18 and Los Carnales were saying that Juan Baca was --

19 Q. Let me stop you there, and maybe I'll ask
20 a better question.

21 A. Go ahead.

22 Q. Was the SNM targeting Nuestra Familia
23 because they were a rival gang of the SNM at that
24 time?

25 A. Yes. That's why we were targeting them.

1 Q. And I don't think we -- what did you do
2 before that, in 1982, to Gilbert Saavedra?

3 A. What did I do before that to Gilbert?

4 Q. Yes. How did you perform the assault?
5 How did you assault him?

6 A. On Gilbert Saavedra?

7 Q. Yes.

8 A. Well, me, Henry Clark, and Angel Carreon
9 waited till 3:00 in the morning. And he was asleep,
10 and I tried to stick him in the neck and go to the
11 top of his head, and I missed, and I hit him here,
12 and it came out the back of his ear and missed his
13 brain, so I didn't kill him. But I tried to. And
14 Henry and Angel -- they threw their weapons and just
15 didn't do anything, you know.

16 Q. So you stabbed Gilbert Saavedra through
17 the chin and out through the ear?

18 A. Yes.

19 Q. In 1986, did you call a hit for the SNM?

20 A. In 1986, did I call a hit?

21 Q. Yes.

22 A. I didn't call a hit, but I think that's --
23 you're referring to a person named ^Troca?

24 Q. Yes.

25 A. He was hit before he even came out of cell

1 block 3, because he tried to assault Angel Munoz
2 while we were in cell block 3. He tried to stick
3 him with a broom stick. So he had a green light on
4 him when he came out. So that, right there, was
5 just anybody that could get him, the closest one to
6 him, you know.

7 Q. And who was Angel Munoz?

8 A. He was another SNM member.

9 Q. And in 1994, were you involved in an
10 incident with a man named Huesos?

11 A. In 19- --

12 Q. '94?

13 A. '94, with Huesos?

14 Q. Yes.

15 A. No, I don't recall that.

16 Q. All right. We'll come back to that.

17 A. Sure.

18 Q. As one of the founding SNM members, did
19 you bring in or recruit other SNM members?

20 A. Yes, I did.

21 Q. And who did you recruit or bring in?

22 A. I just recruited a couple more members.

23 It was Jesse Chavez, a guy named Javier ^Parra. And
24 after that, I didn't recruit anybody else.

25 Q. Did you recruit Billy Garcia?

1 A. No, I did not recruit him ^^Parra maybe
2 back there?^^ ^^I don't think so. MS.^^

3 Q. And I think you told us a little bit about
4 this before. But what is the criteria -- what was
5 the criteria for membership in the SNM when you were
6 recruiting and bringing in members?

7 A. It was that a person had to have at least
8 three years in the penitentiary. He couldn't have
9 any prior -- you know, like, being an informant; he
10 couldn't be a person that ran from a fight. He
11 couldn't have any weakness in him. And he had to be
12 pretty smart. You know, we wanted the cream of the
13 crop. I don't know if you understand what I mean by
14 "the cream of the crop," but he had to be a pretty
15 stand-up person, you know.

16 Q. And what would happen if an SNM member
17 that you brought in did not participate in an SNM
18 hit when he was ordered to?

19 A. He would get hit.

20 Q. Is there any symbolism associated with the
21 SNM prison gang?

22 A. Could you repeat that?

23 Q. Is there any symbol associated with the
24 SNM prison gang?

25 A. Yes, there is a symbol.

1 Q. And what is that symbol?

2 A. It's the Zia symbol with an S and NM in
3 it.

4 Q. And how did that symbol come to be?

5 A. Juan Baca told me to design some kind of a
6 symbol to represent the SNM. But he said you didn't
7 have to put it on, if you didn't want to. You know,
8 you could have been a sleeper, or whatever. And I
9 just designed what I thought would be a good design,
10 you know. So me and this other guy -- I can't
11 remember his last name. He was from Texas. And his
12 first name was Tony, but I can't remember his last
13 name. And we got together and we designed it.

14 Q. So you and Tony designed the Zia with the
15 S in it, the SNM symbol?

16 A. Yes.

17 Q. All right.

18 MR. BECK: Your Honor, at this time, the
19 United States moves to admit Government's Exhibit
20 761.

21 THE COURT: Any objection?

22 MR. VILLA: No, Your Honor.

23 THE COURT: Not hearing any objection,
24 Government's Exhibit 761 will be admitted into
25 evidence.

1 (Government Exhibit 761 admitted.)

2 MR. BECK: May I publish to the jury, Your
3 Honor?

4 THE COURT: You may.

5 BY MR. BECK:

6 Q. Mr. Romero, I'm showing you Government's
7 Exhibit 761. Who are these photographs of?

8 A. Those photographs are of me.

9 Q. All right.

10 Are these your tattoos?

11 A. Yes, those are my tattoos.

12 Q. And in this photograph at the top right,
13 it looks like your right side of your abs or your
14 lower ribcage, there is a circle of a tattoo. What
15 is that tattoo?

16 A. That's just a flower.

17 Q. That's just a flower?

18 A. Yes.

19 Q. Okay. Do you have a tattoo of the Zia
20 with an SNM symbol on there?

21 A. No, I don't.

22 Q. How does the SNM interact with drugs
23 inside the prisons?

24 A. The way the SNM deals with drugs in the
25 penitentiary is, if anybody is bringing in drugs, a

1 quantity of drugs, we usually get a cut out of it.

2 And we'll buy some and put it in so they can buy
3 some more and...

4 Q. And by "We get a cut of it," do you mean
5 the SNM gets a cut of it?

6 A. Yes.

7 Q. And do you get a cut of it from SNM
8 members as well as non-SNM members?

9 A. Yes.

10 Q. And have you purchased drugs from SNM
11 members before?

12 A. Yes, I have.

13 Q. Are you a drug addict, Mr. Romero?

14 A. Right now I'm taking Suboxone.

15 Q. Before you were taking Suboxone, were you
16 a drug addict?

17 A. Yes, I was a drug addict.

18 Q. And right now, how often do you take
19 Suboxone?

20 A. Now, I take Suboxone -- I take one a day.

21 Q. Is that one strip?

22 A. One strip a day.

23 Q. And when did you start using drugs?

24 A. When did I start using drugs? When I was
25 16 years old.

1 Q. And when did you stop by going on
2 Suboxone?

3 A. About two years ago.

4 MR. BECK: Your Honor, at this time the
5 United States moves to admit Government's Exhibit
6 760.

7 THE COURT: Any objection?

8 MR. VILLA: No objection.

9 THE COURT: All right. Not hearing any
10 objection, Government's Exhibit 760 will be admitted
11 into evidence.

12 (Government Exhibit 760 admitted.)

13 MR. BECK: May I publish to the jury, Your
14 Honor?

15 THE COURT: You may.

16 BY MR. BECK:

17 Q. Mr. Romero, I'm showing you Government's
18 Exhibit 760. Do you recognize what's depicted in
19 this photograph?

20 A. What do you mean by that?

21 Q. Are you familiar with a penitentiary pack
22 or a pen pack?

23 A. Am I what?

24 Q. Are you familiar with a penitentiary pack
25 or a pen pack?

1 A. A pen pack?

2 Q. Yes. Are you familiar with that term?

3 A. No, I'm not familiar with it.

4 Q. All right. I'm going to go to page Bates
5 48395, and it may take a moment. This is a rather
6 thick one.

7 Mr. Romero, are you familiar with this
8 judgment, sentence, and commitment?

9 A. Yes.

10 Q. And what is this?

11 A. It's a plea bargain that I took for the
12 burglary.

13 Q. All right. So in this document, in 1978,
14 were you convicted, after a guilty plea, of
15 residential burglary, larceny, and escape from jail?

16 A. Yes, I was.

17 Q. And how old were you in 1978?

18 A. In '78, I think I was, like, 19.

19 Q. And on the bottom of that page, continued
20 onto the next page, were you sentenced to two to 10
21 years for each of those counts?

22 A. Yes, I was.

23 Q. Now, I'm going to move backwards in your
24 penitentiary pack to Bates 48393. In 1983, were you
25 convicted of armed robbery and aggravated battery?

1 A. Yes, I was.

2 Q. And for those sentences, were you
3 convicted and sentenced to prison for a total of
4 seven years?

5 A. I think it was eight years.

6 Q. And at the bottom here, it says, "Two
7 years of said sentences shall be suspended and
8 defendant is to serve a total of seven years"?

9 A. Yes, two years were suspended then, yeah.

10 Q. Now I'm going to move back to 1987 on
11 page -- Bates No. 48391. Four years later, in 1987,
12 were you convicted of auto burglary?

13 A. Yes.

14 Q. And were you sentenced to 18 months in
15 prison for that conviction?

16 A. Yes, I was.

17 Q. I'm going to move back to Bates No. 48388.
18 Five years later, in 1992, were you convicted of
19 commercial burglary and shoplifting?

20 A. Yes.

21 Q. Were you sentenced to five and a half
22 years with one and a half years suspended, for a
23 total of four years?

24 A. Yes, I was.

25 Q. I'm going to move back to Bates No. 48385.

1 In 1995, were you convicted of breaking and
2 entering?

3 A. Yeah.

4 Q. And were you sentenced to nine and a half
5 years with one and a half years suspended, for a
6 total of eight years?

7 A. Yes.

8 Q. I'm going to move back to Bates No. 48383.
9 In 2000, was your probation revoked and were you
10 sentenced to nine and a half years with credit for
11 eight and about three-quarter years, for a total of
12 210 more days' incarceration?

13 A. Yes.

14 Q. Now I'm going to move back now to Bates
15 No. 48378. In 2004, were you convicted of
16 trafficking in heroin?

17 A. Yes, I was convicted of that.

18 Q. And were you sentenced to 18 years, five
19 months, with eight years and five months suspended,
20 for a total sentence of 10 years?

21 A. Yes.

22 Q. And Bates No. 48373. In 2005, one year
23 later, were you sentenced to 18 months'
24 incarceration for a failure to appear?

25 A. Yes.

1 Q. Mr. Romero, when did you get out of the
2 New Mexico Corrections Department?

3 A. The last time I got out was October 2015.
4 Yeah, 2015.

5 Q. Approximately how much of your life have
6 you spent incarcerated?

7 A. Approximately, I'd say, like, 32 years,
8 off and on; 33, maybe.

9 Q. Mr. Romero, when did you decide or agree
10 to cooperate in this federal case?

11 A. When did I decide?

12 Q. Yes.

13 A. Well, I was doing jail time, and I talked
14 to a couple of federal agents, and they ran down the
15 RICO Act to me. And the SNM that I was acquainted
16 with before it turned into a creature that I never
17 even thought it would, you know, become.

18 Q. What do you mean?

19 A. People were getting in through the air
20 vents; people were saying they were in the SNM
21 without anybody bringing them in; and people were
22 going on their own agenda. There was no
23 organization -- or, you know, there was a whole --
24 everybody was just hating on each other, you know,
25 and I didn't want any part to do with it.

1 Q. And did you agree to cooperate in this
2 case after you spoke to federal agents in 2015?

3 A. Yes.

4 Q. As part of your agreement in this case,
5 has the federal government paid you for work that
6 you've done in this case?

7 A. Have they paid me?

8 Q. Yes.

9 A. Yes.

10 Q. And were those payments in exchange for
11 times when you would come and meet with the FBI to
12 talk to them?

13 A. Yes.

14 Q. Do you know how much you've been paid by
15 the FBI?

16 A. I never added it up. No, I don't.

17 Q. Would \$2,855.43 sound about right?

18 A. I don't know about the 43 cents. They
19 never gave me pennies. But it sounds about right on
20 the thousands.

21 Q. Sometimes when you met with FBI agents,
22 would they provide you food or buy you fast food?

23 A. Sure, when I was -- yes.

24 Q. I want to talk to you about Gerald
25 Archuleta. Do you know who that is?

1 A. Yes, I know that, yes.

2 Q. Who is Gerald Archuleta?

3 A. He's an SNM member.

4 Q. Does he also go by the name Styx?

5 A. Yes.

6 Q. And how do you know Gerald Archuleta,
7 aside from the fact that he's an SNM member?

8 A. When I came back from Oregon, from out of
9 state, in '98, I met him at the North facility. I'd
10 known him a little bit prior to that, but not that
11 good. And then we both got out around 2000, around
12 there, and we hung around, just briefly. And he
13 came back, was doing time. And his girlfriend -- me
14 and her got together, and me and him had problems
15 with that, you know. Well, he had a problem with me
16 on it, you know.

17 Q. So I want to talk to you a little bit more
18 about that. Did you and Mr. Archuleta communicate
19 while he was incarcerated, and did you communicate
20 through another person?

21 A. No, I never communicated with another
22 person.

23 Q. How did it come about that you got
24 together with Mr. Archuleta's girlfriend?

25 A. We just started hanging around together,

1 and I think me and her had more in common than she
2 had with Gerald Archuleta.

3 Q. Did you know at the time that she was
4 Gerald Archuleta's girlfriend?

5 A. Yes, I did.

6 Q. And approximately what time period or what
7 year was this that you got together with Mr.
8 Archuleta's girlfriend?

9 A. About 2000, 2001.

10 Q. And what happened when you got together
11 with Gerald Archuleta's girlfriend?

12 A. What do you mean, what happened?

13 Q. Did Mr. Archuleta do anything about that?

14 A. He did several things. He tried to -- you
15 know, he just -- I mean, what anybody would do if
16 somebody got with my girlfriend and I was
17 incarcerated. I would hate on that person, you
18 know. But he tried to throw false paperwork on me
19 that I was an informant, tore off the name. Me and
20 the guy had the same name. He tried to get a lot of
21 guys to go against me, and it started to form
22 another SNM; out with the old and in with the new.
23 And it was just all kinds of things, you know; just
24 different ideas going around.

25 Q. I want to talk to you about a couple of

1 those things. When you say he tried to put out
2 false paperwork on you, do you mean that he had
3 tried to make it look like there was paperwork that
4 you had snitched?

5 A. There was a guy named Julian Romero, and
6 he's younger than I was. And he did a burglary of
7 somebody else named Frank Richards. And through
8 there, I guess he tore off the date of birth. I
9 don't know how he did it. But he sent it around,
10 said, "Look. Julian Romero is an informant."

11 So everybody fell for it and that's where
12 a lot of people started throwing me under the bus
13 and stuff, you know.

14 Q. And in your experience with the SNM --
15 well, let's see. You joined the SNM in
16 approximately 1981 or 1982; is that right?

17 A. In 1982. It was in 1982.

18 Q. And are you still a member today, or have
19 you renounced your membership?

20 A. I don't want to spill this all over the
21 place. I don't want to make it look like I peed on
22 myself.

23 Ask me that again.

24 Q. Are you still a member of the SNM today?

25 A. I'm going to be a member till the day I

1 die, even if it's as an informant or whatever. You
2 don't get out of the SNM until the day you die, no
3 matter what, even if you're an informant, if you
4 went out with somebody else's girlfriend, any kind
5 of -- anything. It's for life.

6 Q. Okay. So if you joined in 1982, and it's
7 2018, have you been a member of the SNM for about 36
8 years?

9 A. Yes.

10 Q. And in those 36 years, what happens if
11 there is paperwork saying that an SNM member
12 informed to police or to authorities? What happens
13 to that SNM member?

14 A. Well, if somebody wants to take up the
15 slack there and they want to come in and shoot me or
16 try to stab me behind my back or whatever, it will
17 happen.

18 Q. So does that mean that it's an automatic
19 green light or hit put on someone if there is
20 paperwork showing they informed?

21 A. Of course. Yes.

22 Q. So did Mr. Archuleta put a green light on
23 you after you got together with his girlfriend?

24 A. Mr. Archuleta put a green light on me as
25 soon as he could. Yeah, it was around there.

1 Q. You talked about different SNM groups
2 forming. Was there a group that sort of followed
3 you, and a group that followed Mr. Archuleta?

4 A. I heard something about All Stars or
5 something, but I never really followed it, because
6 the SNM can't split like that, you know. It's
7 just -- like I say, it turned into a creature that I
8 just couldn't understand anymore, because of people
9 that were not really -- you know, just out of it and
10 everything; just got into the SNM and were saying
11 they were SNM. And so, yeah, another group started.
12 You know, it just got out of hand, you know.

13 Q. So Mr. Romero, I think you answered my
14 next question first. Although there was some
15 division in the SNM, was it still one SNM Gang?

16 A. It will always just be one SNM.

17 Q. And I think you said that you agreed to
18 cooperate while you were still incarcerated; is that
19 right? When the federal agents came and talked to
20 you; is that right?

21 A. Yes.

22 Q. And you said that you got out of prison
23 the last time in October of 2015.

24 A. It was around that time, yes.

25 Q. In 2016, was there a federal complaint

1 filed charging you with conspiracy to distribute
2 Suboxone for the time period of March 2012 to
3 October of 2015?

4 A. Yes, there was.

5 Q. And at some point, was that complaint
6 dismissed?

7 A. Yes.

8 Q. And October 2012 to October 2015 -- that's
9 before you agreed to cooperate in this case; is that
10 true?

11 A. Yes.

12 Q. Where were you July 13 of 2015?

13 A. July 13, 2015? I was in Las Cruces, at
14 the penitentiary in Las Cruces.

15 Q. Is that the Southern New Mexico
16 Correctional Facility?

17 A. Yes, it is.

18 Q. And where were you housed? In what pod?

19 A. I can't recall. I know it was yellow pod,
20 but I can't remember the exact number of the pod.

21 Q. Was it an SNM pod?

22 A. Yes, it was an SNM pod.

23 Q. And I think you said -- was it yellow pod?

24 A. Yes.

25 Q. Who else was in the pod with you, that you

1 remember?

2 A. I really didn't know them that good,
3 but -- I can't recall their names. I think one was
4 named Pete. That's the only one that I remember.
5 There was four -- there was eight people in there
6 with me.

7 Q. Is that Pete Aronda?

8 A. No, 16 people with me. Yeah, Pete Aronda
9 was in there.

10 Q. Was Jerry Montoya in there with you?

11 A. He was in there for a while, but then they
12 moved him back to lockup at the North facility.

13 Q. Was Lupe Urquizo in that pod?

14 A. Yes, he was.

15 Q. Was Christopher Chavez, or Critter, in
16 that pod with you?

17 A. He had already gotten out, final.

18 Q. Was Baby G, or Jonathan Gomez, in there
19 with you?

20 A. Yes, he was there.

21 Q. Was Conrad Villegas in there with you?

22 A. Yes, he was in there.

23 Q. Was Mario Rodriguez in there with you?

24 A. Yeah.

25 Q. And are all those SNM members?

1 A. Yes.

2 Q. How do you know Conrad Villegas?

3 A. Well, he used to ask me to make phone
4 calls to his -- to his wife, to find out where she
5 is, through my wife. He was having my wife make
6 phone calls to see what's going on, why wasn't she
7 sending money, and stuff. So I was doing him favors
8 like that. We were getting along pretty good, you
9 know.

10 Q. And so were you helping him out by having
11 your wife contact his wife?

12 A. I was trying to help him out, yeah.

13 Q. Did your wife help put money on Conrad
14 Villegas' books?

15 A. No, I never heard of that.

16 Q. What happened on July 13 of 2015?

17 A. I can't recall too good. All I know is, I
18 just got -- I just got knocked out. I don't know.
19 I don't know -- that day -- that day just leaves my
20 mind, you know? I got cold-cocked, I guess. I
21 don't know.

22 Q. Before July 13, 2015, were you and the
23 other members of the yellow pod in lockdown status?

24 A. Yes.

25 Q. And what does "lockdown status" mean?

1 A. 23 hours a day in their cell, maybe 15
2 minutes for a shower, and an hour for yard, and the
3 rest inside your cell. And anytime you left your
4 cell, you were handcuffed.

5 Q. And was the New Mexico Corrections
6 Department taking you and yellow pod off of lockdown
7 on July 13, 2015?

8 A. Yes, they were talking about taking us
9 off, and they did.

10 Q. So at rec time on July 13, 2015, was that
11 the first time that you were allowed to be on the
12 tier with other SNM members at the same time?

13 A. Yes.

14 Q. And what happened on July 13, 2015, as
15 soon as you were allowed out on the tier with other
16 members of the SNM for the first time?

17 A. Like I say, you know, hearsay is no good
18 in here, you know. But I hear that I just got
19 knocked out, and I can't remember too much.

20 Q. What do you remember?

21 A. Just being on the hospital gurney, being
22 sewed up around my eyes and being helicoptered to El
23 Paso.

24 Q. Do you remember being let out of your
25 cell?

1 A. Yes, I remember being let out.

2 Q. And what do you remember happening at that
3 time?

4 A. Just I was talking to somebody, and from
5 that point on, it just goes blank on me.

6 Q. And what's the next thing you remember
7 after talking to somebody?

8 A. Waking up on a gurney, being sewed up,
9 like I said, you know, around my eyes and stuff.

10 Q. Were you -- do you remember being
11 transported to Memorial Medical Center here in Las
12 Cruces?

13 A. Yes, I remember the helicopter ride.

14 Q. Do you remember talking to anyone in the
15 hospital room? Any corrections officers?

16 A. No.

17 Q. At some point do you remember being
18 transferred from Memorial Medical Center to El Paso,
19 a hospital in El Paso?

20 A. Yes, I remember being transferred over
21 there.

22 Q. And how were you transferred?

23 A. The helicopter. I never went back to the
24 hospital. Never went back to the hospital.

25 Q. I'm going to show you what's been admitted

1 as Defendant's Exhibit G1. Do you recognize what's
2 depicted in that photograph?

3 A. Yes. There's two cells, and a trash can
4 in the middle or something.

5 Q. Where is this?

6 A. That looks like red pod.

7 Q. Do you know that this is 1-A A pod, or
8 yellow pod, in the Southern New Mexico Correctional
9 Facility?

10 A. This is -- I'm pretty sure 1-A is where we
11 were housed at. But that looks like red pod.

12 Q. All right. Let me show you Defendant's
13 Exhibit G2. Do you remember what cell you were
14 housed in on July 13, 2015?

15 A. I can't remember the number, but I was at
16 the end, right next to the shower.

17 Q. Let me show you Government's Exhibit G4
18 and G5.

19 A. I was in 113.

20 Q. You were in cell 113 here?

21 A. Looks like.

22 Q. All right. And I'm circling "113" here on
23 Defendant's Exhibit G5. Just to the left of that,
24 where there's a grated door open, is that the
25 shower?

1 A. Yes.

2 Q. And I'm going to play for you Government's
3 Exhibit 269.

4 (Video clip played.)

5 Q. Have you ever seen this video, Mr. Romero?

6 A. I've never seen the video.

7 Q. Okay. Do you know what we're looking at
8 here?

9 A. Looks like 1-A C pod.

10 Q. Okay. Go ahead and play the video.

11 (Video clip played.)

12 Q. So I think -- does this refresh your
13 recollection as to where you were housed on July 13,
14 2015?

15 A. It looks like I was under 1-A.

16 MR. BECK: Please press pause.

17 A. The one right there in the corner, by the
18 door, the bottom tier.

19 Q. So I paused this video. It says Channel
20 7, 7/13/2015, 14:37:10:906. And I'm circling right
21 under "1-A C pod" here. Is that the cell that you
22 were housed in on July 13, 2015?

23 A. That's the cell I was housed in.

24 Q. So when I was showing you those exhibits
25 of yellow pod --

1 A. It was at the end, right before you went
2 out to the yard. And then the shower is right
3 there.

4 Q. So you weren't housed in that cell, but it
5 was a similar layout here in the green pod; is that
6 right?

7 A. All those pods were similar.

8 Q. Is that a yes?

9 A. Yes.

10 MR. BECK: Please press "play."

11 (Video clip played.)

12 Q. So is that you depicted in the middle of
13 this screen here, having just come out of now the
14 shower room?

15 A. Yes.

16 MR. BECK: Please press pause.

17 Q. So now it's at 14:37:30:906. Do you know
18 who the two gentlemen in the front bottom left of
19 this screen are?

20 A. One is Pete Aronda, but I don't know who
21 that other one is. It's grainy. I can't --

22 Q. And which one is Pete Aronda?

23 A. The bald one.

24 Q. So is that the gentleman in gray that I
25 circled there on the left of the screen in front of

1 the TV?

2 A. Yes.

3 Q. And where are you in this frame?

4 A. It looks like I'm over there on that --
5 under the tier, talking to somebody in the window.

6 Q. Do you know who you're talking to?

7 A. I don't remember who that was.

8 Q. Okay. And so I'm circling the person
9 right in the middle in front of the door in the
10 greens. Is that you?

11 A. That's me.

12 MR. BECK: Please press play.

13 (Video clip played.)

14 MR. BECK: Please press pause.

15 Q. I stopped the video here at 14:38:22:921.
16 What just happened?

17 A. What just happened?

18 Q. Yes, sir.

19 A. It looks like somebody came in and I fell
20 down.

21 Q. Right. Do you remember that?

22 A. It's real fuzzy in my mind.

23 (Video clip played.)

24 Q. And as the video is playing, what do you
25 see happening on the screen back there with you?

1 A. Looks like somebody is helping a drunken
2 person get up.

3 Q. Do you know if you were assaulted on July
4 13 of 2015?

5 A. Just by hearsay and what I've heard. But
6 I can't remember that too good.

7 Q. Does this video look like you're being
8 assaulted?

9 A. Like I said, it looks like somebody got me
10 and just helping me up or doing something with me
11 there. I don't know. I can't see nobody doing this
12 or doing that or anything. It's real grainy. But
13 yeah, it sort of looks like I'm getting the crap
14 knocked out of me.

15 Q. I paused the video at 14:40:18:921. What
16 do you see in the bottom left-hand side of the
17 screen under 1-A C pod that I just circled for you?

18 A. It looks like I'm struggling to getting
19 up.

20 Q. And what do you see just below you and to
21 what would be your right there?

22 A. Just the sidewalk. I just see a sidewalk.
23 I don't see anything else.

24 Q. You don't see a red spot in that screen?

25 A. Yes, I see a red spot on the floor.

1 Q. All right.

2 (Video clip played.)

3 Q. I just paused it at 14:40:48:921. It
4 looked like you got up on the stoop there and talked
5 to the other two gentlemen in the frame. Do you
6 remember that?

7 A. I don't remember that.

8 (Video clip played.)

9 Q. I stopped it at 14:41:06:890. It looked
10 like you walked into the back of the pod there.
11 What's in the back of the pod?

12 A. Looks like the shower and the back door.

13 Q. All right. And then you grabbed -- what
14 do you have in your hands right now?

15 A. Looks like my towel.

16 Q. Do you remember walking into the shower
17 and grabbing a towel?

18 A. I don't remember, but it looks like I got
19 something white in my hands.

20 (Video clip played.)

21 Q. I paused the video at 14:41:37:906. And
22 you just exited the frame. What is -- what would be
23 to the right of this frame where you just walked
24 out, if you know?

25 A. That would be the stairway you go to the

1 front door.

2 Q. Do you remember going up that stairway to
3 the front door?

4 A. No, I don't remember that.

5 Q. Mr. Romero, how long were you in the
6 hospital?

7 A. Three days. I'm pretty sure it was three
8 days.

9 Q. And what happened? What injuries resulted
10 from this assault?

11 A. Well, they did the usual, MRI, checked
12 behind my brain, checked to see if I had any broken
13 bones in my face.

14 Q. And what did they find?

15 A. Just that -- they just found blood clots
16 all over my eyes and in my nose, and one of my teeth
17 were missing, and stuff like that.

18 Q. Did they find an indentation in your head?

19 A. Just a bunch of cuts up here where they
20 had sewed me up, where I had stitches.

21 Q. Do you remember that they found an
22 indentation in your head?

23 A. No.

24 Q. In the complaint that was filed in federal
25 court in 2016, why were you charged with the

1 conspiracy to distribute Suboxone? What did you do?

2 A. I got some Suboxone through a letter, and
3 I was trying to make a little bit of canteen money
4 and stuff. And I had a friend that was out there in
5 population that was sending me some sometimes in my
6 laundry bag and stuff like that.

7 Q. So were you charged with conspiracy to
8 distribute Suboxone because you were getting
9 Suboxone into the prison from the outside?

10 A. It was already in when I was getting it.

11 Q. Were you getting it through the mail? Is
12 that what you said?

13 A. I got one through the mail.

14 Q. And did you get approximately 60 hits of
15 Suboxone?

16 A. Approximately.

17 Q. And were you an SNM member on the inside
18 of the prisons at that time?

19 A. Like I said, I'm an SNM member till the
20 day I die.

21 Q. Did you sell the Suboxone inside of the
22 prison?

23 A. Just for canteen. But I'm mostly -- I'm
24 not going to say generous, but I try to help out as
25 many people as I can. I'm not selfish with it.

1 Q. So did you distribute the Suboxone to
2 other SNM members?

3 A. Yes, I helped other people.

4 Q. And was that part of the charges in this
5 conspiracy to distribute Suboxone?

6 A. Yes.

7 Q. You said you've been on Suboxone for the
8 last two years; is that right?

9 A. Yes.

10 Q. Are you now prescribed Suboxone?

11 A. Yes.

12 Q. And so when you said you've been on
13 Suboxone for the last two years, are you taking that
14 as prescribed?

15 A. Yes.

16 Q. I think we talked about, in 2004, you were
17 convicted of possession of heroin?

18 A. For trafficking heroin.

19 Q. For trafficking?

20 A. Yes.

21 Q. How did that conviction come about?

22 A. That conviction came about -- a friend of
23 mine gave me a ride home. Him and his girlfriend
24 were selling heroin and rock cocaine. And the
25 police said that there was an armed robbery that

1 happened at the store close by and that we fit the
2 description. And they got permission to check the
3 truck, and they found a .357 magnum gun in there,
4 and a vial with some heroin and some rock cocaine in
5 it.

6 Q. In 2003 were you shot?

7 A. Yes.

8 Q. And who shot you?

9 A. That would be hearsay. I don't know who
10 shot me. But like I say, hearsay would be thrown
11 out of court.

12 MS. DUNCAN: Your Honor, I object.

13 THE COURT: He was shot. We'll leave it
14 at that.

15 A. I was shot.

16 MR. BECK: May I have a moment, Your
17 Honor?

18 THE COURT: You may.

19 BY MR. BECK:

20 Q. Have you been interviewed or questioned by
21 anyone else about this case, if you remember?

22 A. About which case?

23 Q. About this case, about this SNM case.

24 A. Yes.

25 Q. By whom?

1 A. Have I been interviewed?

2 Q. By anyone outside of the Government. By
3 anyone outside of the Government, if you remember.

4 A. No.

5 Q. You don't remember?

6 A. No, I don't.

7 Q. You don't remember being asked about this
8 case by anyone else?

9 A. No, I don't remember anyone else asking me
10 about it.

11 MR. BECK: Pass the witness, Your Honor.

12 THE COURT: Thank you, Mr. Beck.

13 Who wants to -- Ms. Duncan?

14 MS. DUNCAN: Your Honor, can we approach
15 briefly before --

16 THE COURT: You may.

17 (The following proceedings were held at
18 the bench.)

19 MS. DUNCAN: Your Honor, attorney Dean
20 Clark just walked into the courtroom, who represents
21 one of the cooperating witnesses in this case. And
22 so I'd ask the Court to admonish him in the same way
23 it has previous counsel.

24 MS. ARMIJO: His client is not testifying
25 in this trial.

1 THE COURT: Are you okay, then?

2 MS. DUNCAN: Okay. Thank you.

3 MS. BHALLA: Are we going to take a recess
4 at 10:00?

5 THE COURT: We can take it now.

6 MS. BHALLA: My client needs to use the
7 restroom. Sorry.

8 (The following proceedings were held in
9 open court.)

10 THE COURT: All right. Why don't we go
11 ahead and take our recess now? We'll be in recess
12 about 15 minutes. All rise.

13 (The jury left the courtroom.)

14 THE COURT: All right. We'll be in recess
15 for about 15 minutes.

16 (Court was in recess.)

17 THE COURT: All right. We'll go on the
18 record. Is there anything we need to discuss before
19 we bring the jury in, from the Government?

20 MS. ARMIJO: No, Your Honor. Thank you.

21 THE COURT: All right. I'm about to
22 circulate -- I'll probably get it to you pretty
23 quickly. I want my clerks to take a look at the
24 Perez additional redactions or objections. So I'm
25 about ready to go on those. So you might give me a

1 little guidance as to what is next. I did that one
2 first, because I think y'all did it first, but --
3 why don't y'all come up here for a second?

4 (The following proceedings were held at
5 the bench.)

6 THE COURT: The woman with the long hair,
7 sitting with Ms. Molina, is an assistant to Steve
8 Almanza, the attorney for Tim Garcia. I guess I
9 can't see any problem with that. Anybody have any
10 problem with that? I didn't know who she was.

11 MS. DUNCAN: We'd ask you to admonish her,
12 since Mr. Timothy Martinez is on re-call.

13 MS. BHALLA: Your Honor, can I bring up
14 something else?

15 THE COURT: Hold on. Ma'am, you're with
16 Steve Almanza, the attorney for Timothy Martinez?

17 ASSISTANT TO MR. ALMANZA: Yes, Your
18 Honor.

19 THE COURT: I'm not going to exclude you
20 from the courtroom, but I have been telling the
21 counsel that are sitting in that they're not to go
22 back and be a conduit for what's taking place here.
23 Because Timothy Martinez -- Timothy Martinez is
24 still subject to re-call, so we don't want witnesses
25 talking to him about what's being done here in the

1 courtroom. And so I don't want you or Mr. Almanza
2 to do that with Timothy Martinez. So you can't be a
3 conduit for what's going on in here to Mr. Timothy
4 Martinez. Do you understand that?

5 ASSISTANT TO MR. ALMANZA: Understood,
6 Your Honor.

7 THE COURT: All right.

8 MS. BHALLA: If I may, I think the
9 Government wants to introduce some exhibits or
10 publish them to the jury, the redacted transcripts
11 and the redacted audios of my client's conversations
12 with Gerald Archuleta. And I haven't gotten a
13 chance to review those yet. And so I'm not saying
14 that I'm going to necessarily object, but I'd like
15 the opportunity to review them first, because I
16 haven't had the chance to listen to the redacted
17 audio or to read the redacted transcripts.

18 THE COURT: Well, you better move pretty
19 quick.

20 MS. BHALLA: They've never been provided
21 to me.

22 THE COURT: I thought they had been
23 provided.

24 MR. BECK: The redacted transcripts and
25 the redacted audio were provided to counsel.

1 THE COURT: A week ago. I think two weeks
2 ago.

3 MS. BHALLA: I didn't get a copy of the
4 redacted audio.

5 THE COURT: We're working with that stuff.

6 MS. BHALLA: Yeah, I haven't --

7 THE COURT: You're about to see my first
8 order on Mr. Perez', so I don't know what --

9 MS. BHALLA: I got what you guys have
10 produced, but --

11 MR. BECK: That's what it is.

12 THE COURT: I guess my current thoughts
13 are, they've been out long enough. If you don't
14 have redactions, the train is going to kind of
15 leave. But it's not going to happen for a minute,
16 so go ahead and bring the jury in and y'all can
17 discuss. But you better start looking at that
18 promptly, because I'm about to make my first rulings
19 on it.

20 MS. BHALLA: Okay.

21 THE COURT: All right. All rise.

22 (The jury entered the courtroom.)

23 THE COURT: All right. Everyone be
24 seated.

25 Mr. Romero, I'll remind you that you're

1 still under oath.

2 And let's see. Ms. Duncan, you were going
3 to bring your cross-examination of Mr. Romero.

4 MS. DUNCAN: Your Honor, Mr. Baca does not
5 have any questions for Mr. Romero.

6 THE COURT: Thank you, Ms. Duncan.

7 Ms. Bhalla, do you have anything? Mr.
8 Maynard?

9 MR. MAYNARD: Your Honor, I think not.

10 THE COURT: All right.

11 Mr. Villa? Ms. Fox-Young?

12 MR. VILLA: No questions, Your Honor.

13 THE COURT: Ms. Jacks? Mr. Jewkes?

14 MS. JACKS: No questions, Your Honor.

15 THE COURT: All right. You may step down,
16 Mr. Romero.

17 Is there any reason that Mr. Romero cannot
18 be excused from the proceedings? Mr. Beck?

19 MR. BECK: Not from the Government, Your
20 Honor.

21 THE COURT: How about from the defendants?
22 Ms. Duncan?

23 MS. DUNCAN: No, Your Honor.

24 THE COURT: Anyone else?

25 All right. You are excused from the

1 proceedings. Thank you for your testimony.
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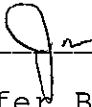
1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

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4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 12th day of March, 2018.

13
14 
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